

## Juvenile Lifers Front

There are over 2,550 juvenile lifers in the U.S., Pennsylvania has the most with nearly 500, making it the toughest state on juveniles who commit a major crime.

In Pennsylvania, what prohibits juveniles from receiving parole review is the Pennsylvania parole statute enacted in 1941 that excludes anyone sentenced to death or life imprisonment from being paroled.<sup>1</sup> At the time of its enactment, juveniles were rarely prosecuted as an adult, not even in the case of murder. Many states believed in the need to protect juveniles, so they avoided them from being prosecuted as an adult. As this philosophy began change, prosecuting juveniles as adults increased, and subsequently juveniles began to receive similar sentences as adults, including life imprisonment. This brought about a number of legislative enactments; legal challenges to the Juvenile Act, and challenges to the imposition of life imprisonment for juveniles.

- Under the Juvenile Act, 42 Pa.C.S.A §§ 6301-6365, this statute provided standards for juveniles being charged as an adult (Murder is automatic - §§ 6355(e)), and the criteria for decertifying juveniles from adult court to the juvenile court (amenability to treatment in a juvenile facility §§ 6322).
- In **1975**, in a case called Commonwealth v. Pyle, 462 Pa. 613, 1975, 342 A.2d 101, the Superior Court decided to hear a case, which was a case of first impression challenging whether the lower court abused its discretion in maintaining a juvenile in the adult court.

### **Challenges during the 1980's**

Numerous advocates put forth the argument that it was wrong to treat juveniles as adults. In 1988, a fifteen (15) year old challenged the constitutionality of executing juveniles under 16 in Thompson v. Oklahoma. In **Thompson**, the U.S. Supreme court acknowledged and elaborated on the marked difference between juveniles and adults, namely: inexperience, less education, and less intelligence “*Make the teenager less able to evaluate the consequence of his or her conduct while at the same time he or she is much*

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<sup>1</sup> Title 61 Pa C.S.A. §331.21

more apt to be motivated by mere emotion or peer pressure than is an adult.” They expressed.

While this debate continued on the national level, a case called Williams made its way to the PA. Supreme Court.

- In **Commonwealth v. Williams**, 522 A.2d 1058 (Pa.1987)- This case presented the first challenge to the constitutionality of the juvenile Act of 1972 before the PA. Supreme court. (Defendant was denied relief, namely because the court determined that murder is such a heinous crime that a juvenile must be treated as an adult and there was no authority at the time to say that juveniles should be treated otherwise).
- In **Commonwealth v. Carter**, 855 A.2d 885 (Pa. Super. 2004) The Superior Court decided to hear a challenge concerning whether it is cruel and unusual to sentence a juvenile to life without parole (LWOP). (They determined that since the court ruled that the Juvenile Act is constitutional in **Williams**, it is not cruel and unusual to impose LWOP on a juvenile)
  - A national consensus developed against juveniles under 18 yrs. old from being executed, and it was determined to be unconstitutional.
- In **1989**, the U.S. Supreme was presented with a case called **Stanford v. Kentucky**. In this case, the court determined that a national consensus had not developed against juveniles 16 & 17 from being executed. The court reasoned that because most states permit juveniles 16 & 17 to be executed, it was not cruel and unusual, or unconstitutional.
- In **2003**, the Court reversed its position on the execution of mentally retard defendants in **Atkins v. Virginia**, citing the 8<sup>th</sup> amendment. The court determined that there would be no deterrence to execute mentally retard, because it would not deter someone similarly situated. Therefore, it's cruel and unusual to execute someone mentally retard.
- Atkins led to the decision in **Roper v. Simmons** (2005), in which Christopher Simmons challenged the constitutionality of executing juveniles under 18 yrs. olds. The Court acknowledged an evolving standard of decency and further spoke about: Juveniles' immaturity of

judgment; Juveniles' ability to be easily influenced by peer pressure, and Juveniles' ability to change.

- This court concluded that a national consensus had developed against the execution of all juveniles under 18. In this decision, the court made a few poignant remarks in recognizing that a juvenile is categorically less blameworthy than their adult counterparts. They stated: **“It would be misguided to equate the failings of a minor with those of an adult, for a greater possibility exists that a minor’s character deficiencies will be reformed.”** Further, they stated, *“When a juvenile offender commits a heinous crime, the State can exact forfeiture of some of the most basic liberties, but the State cannot extinguish his life and his potential to attain a mature understanding of his own humanity.”*

#### • **Human Rights Watch and Amnesty International Report**

While **Roper v. Simmons** was pending in the court, the Human Rights Watch and Amnesty International conducted a study, surveying all countries that incarcerate juveniles to LWOP. What they discovered was that there were only 11 juveniles incarcerated in four other countries, compared to 2,225 incarcerated throughout in the United States. Of these 2,225, Pennsylvania incarcerated the most at over 440. They documented how this practice violates the treaty under the Convention on the Rights of the Child CRC Article 37 (a). A treaty ratified by every country with the exception of United States and Somalia. As result of this report and the **Simmons'** decision, a national movement was created to argue against juveniles being sentenced to life without parole (LWOP).

Since the report and court ruling, a number of states have taken the initiative to abolish the practice of sentencing juveniles to LWOP. Moreover, the U.S. Supreme Court recently announced in Graham v. Florida that it's unconstitutional to impose LWOP on juveniles convicted of non-homicides. Advocates believe the courts' legal reasoning will eventually extend to juveniles convicted of homicides.

Meanwhile, advocates in PA have taken the initiative statewide to establish a coalition called: **Pennsylvania Coalition for the fair Sentencing of Youth**. The goal of this coalition is to abolish LWOP for juveniles under 18 years old.

**REGISTRATION FORM  
FOR JLWOP SUPPORTERS IN PA**

This form is to develop a comprehensive list of all those who are seriously committed to organizing, educating the public, and lobbying for state government to abolish laws of sentencing children to life imprisonment without parole (LWOP). If any individual, group, or religion organization desire to become an active member or supporter of abolishing juvenile LWOP, please fill out this registration form and forward it to the return address provided herein.

**REGISTRATION FORM**

Name: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_  
CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP: \_\_\_\_\_  
HOME PHONE: \_\_\_\_\_ Cell phone: \_\_\_\_\_  
Email: \_\_\_\_\_ Fax: \_\_\_\_\_

I wish to become:

- |                                      |  |
|--------------------------------------|--|
| <input type="checkbox"/> A member    | <input type="checkbox"/> Transportation    |
| <input type="checkbox"/> A supporter | <input type="checkbox"/> Distribution      |
| <input type="checkbox"/> Both        | <input type="checkbox"/> Advertisement     |
|                                      | <input type="checkbox"/> Political Support |
|                                      | <input type="checkbox"/> Other Support     |

**I CAN PROVIDE:**

- Journalist Skills
  - Computer Skills
  - Organizing skills
  - Fundraising skills
  - Public Relations skill
  - Administration skills
  - Secretarial skills
  - Legal Advisory skills
  - Political Advisory skills
  - Other skills
- \_\_\_\_\_

Signature: \_\_\_\_\_

**RETURN REGISTRATION FORM TO:**

Pennsylvania Coalition for the Fair Sentencing  
of Youth  
Mrs. Joan Porter  
Pennsylvania Prison Society (PPS)  
245 N. Broad Street  
Suite 300  
Philadelphia, PA 19107  
Email: [JEP251@VERIZON.NET](mailto:JEP251@VERIZON.NET)